

House Bill 1363

By: Representatives Lindsey of the 54th and Willard of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to
2 process, so as to provide that the chief judge of a judicial circuit may order that the county
3 marshal or the marshal of the state court serve all civil process in the superior court; to
4 provide that all provisions of law relating to the service of process by the sheriff of a county
5 shall be applicable to the marshal; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to process, is
9 amended by revising subsection (c) as follows:

10 *"(c) Summons — By whom served.* Process shall be served by the sheriff of the county
11 where the action is brought or where the defendant is found, or by such sheriff's deputy,
12 or by the marshal or sheriff of the court, or by such official's deputy, or by any citizen of
13 the United States specially appointed by the court for that purpose, or by someone who is
14 not a party and is not younger than 18 years of age and has been appointed as a permanent
15 process server by the court in which the action is brought. The chief judge of any judicial
16 circuit may order that all civil process in a county shall be served by the county marshal
17 or the marshal of the state court in lieu of the sheriff, and in such event all provisions of
18 law relating to service by a sheriff shall be applicable to the marshal. Where the service
19 of process is made outside of the United States, after an order of publication, it may be
20 served either by any citizen of the United States or by any resident of the country, territory,
21 colony, or province who is specially appointed by the court for that purpose. When service
22 is to be made within this state, the person making such service shall make the service
23 within five days from the time of receiving the summons and complaint; but failure to
24 make service within the five-day period will not invalidate a later service."

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SECTION 2.

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All laws and parts of laws in conflict with this Act are repealed.